

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

IN RE: BLACKBAUD, INC.,
CUSTOMER DATA BREACH
LITIGATION

Case No.: 3:20-mn-02972-JMC

MDL No. 2972

**CASE MANAGEMENT ORDER NO. 9
(SUMMARY OF CASE MANAGEMENT
CONFERENCE NO. 4)**

THIS DOCUMENT RELATES TO: ALL ACTIONS

On June 9, 2021, the court held a brief case management conference after the hearing on Defendant Blackbaud’s (“Blackbaud”) Motion to Dismiss for Lack of Subject Matter Jurisdiction (ECF No. 92). The court addressed the following issues during the conference:

1. TAG-ALONG ACTIONS

On June 3, 2021, the Judicial Panel on Multidistrict Litigation (“JPML”) issued a Conditional Transfer Order (“CTO”) transferring two (2) cases with non-Blackbaud defendants, *Mesa et. al. v. Enloe Medical Center* (E.D. Cal., No. 2:20-cv-2483) and *Doe v. Rady Children’s Hospital-San Diego et al.* (S.D. Cal., No. 3:21-cv-00114), into this multidistrict litigation. The transfer of *Mesa* is unchallenged while the transfer of *Doe* is challenged.

Plaintiffs also informed the court that they identified another potential tag-along action and plan to file a Notice of Potential Tag-Along with the JPML this week.

2. DISCOVERY

The parties updated the court on their discovery efforts. During their first conference with Special Master Grossman on June 7, 2021, the parties agreed that Plaintiffs will take a Federal Rule of Civil Procedure 30(b)(6) deposition of Blackbaud during the first phase of discovery and

reached a compromise on the number of requests for production, interrogatories, and requests for admission permitted during the first phase of discovery. The parties continue to work towards finding a mutually agreeable document vendor for security sensitive documents for Plaintiffs as well as defining search terms and the parameters of document collection. They will inform the court if an extension of the first phase of discovery is needed.

Mediation is scheduled for early October 2021.

3. SCHEDULING

The court will hold a hearing on Blackbaud's Motion to Dismiss Certain Statutory Claims (ECF No. 110) and Case Management Conference No. 5 on July 20, 2021 in Courtroom 3. It will also hold a hearing on Blackbaud's forthcoming Motion to Dismiss Specific Common Law Claims and Case Management Conference No. 6 on September 2, 2021 in Courtroom 3.

The court expects to proceed according to the following schedule on July 20, 2021 and September 2, 2021:

- 9:30 a.m.: Blackbaud's Argument
- 10:15 a.m.: Plaintiffs' Response
- 11:00 a.m.: Blackbaud's Reply
- 11:15 a.m.: Break
- 11:30 a.m.: Final Questions from the Court
- 11:45 a.m.: Case Management Conference

Plaintiffs and Blackbaud will be limited to eight (8) in-person representatives each at the July 20, 2021 and September 2, 2021 hearings. The remaining spots will be allotted to court staff. Other attorneys who would like to participate may do so via video or phone.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

June 11, 2021
Columbia, South Carolina